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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 6

In re Application of
Donald E. Weder
Application No. 10/091,901
Filed: March 4, 2002
Attorney Docket No. 8403.519

DECISION ON PETITION

This is a decision on the petition filed on January 14, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a reply to the Office letter dated May 21, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required. A refund of the \$130.00 petition fee tendered with the petition will be credited to Deposit Account No. 04-1700.

The petition is granted.

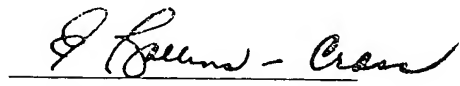
Petitioner alleges that this application is not abandoned because a timely reply to the Office letter in question was in fact filed. Petitioner has supported this allegation by submitting a copy of the reply, a copy of a petition for a three month extension of time with an authorization to charge the extension of time fee, and a copy of a filing receipt for these papers that shows that they were received in the Office on November 12, 2003, within the period of time set by the Office letter in question as extended. Based upon this showing, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to:

1. Refund the \$130.00 petition fee to Deposit Account No. 04-1700; and
2. Enter the change of correspondence address that is attached to the petition so that the correspondence address of record agrees exactly with the address at the bottom of this Decision.

Thereafter, the application will be forwarded to the examiner for action on the reply filed on November 12, 2003.

PETITION GRANTED.


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